

**STATEMENT OF
CONGRESSMAN PATRICK McHENRY,
TENTH DISTRICT OF NORTH CAROLINA**

**HEARING BEFORE
THE HOUSE NATURAL RESOURCES COMMITTEE ON
THE "LUMBEE RECOGNITION ACT" (H.R. 31)**

March 18, 2009

Mr. Chairman, Indian tribes across the country are looking to the U.S. Congress for help on a number of high priority issues: Indian health care reform, fixing the U.S. Supreme Court's decision regarding land trust issues, and tribal sovereignty protection in the Employee Free Choice Act.

But this Committee's first action of the new Congress is to consider the "Lumbee Recognition Act," a bill that is highly controversial not only in Indian country but also in Congress.

My position on this bill is very straightforward. All groups seeking federal acknowledgement as Indian tribes should go through the administrative process at the Department of the Interior. In this case, the Department has stated the 1956 Lumbee Act prevents the Lumbee from going through the process, so Congress should act to lift that restriction. This is why I support Congressman Shuler's legislation; it removes the barriers set forth in the 1956 Lumbee Act and provides the Lumbee with the same opportunity to attain federal recognition as other tribes have.

To the extent that the process needs to be reformed, we should let Congress or the agency focus on the process, instead of individual recognition bills.

I cannot support this legislation, which would allow the Lumbee to circumvent the process, while other groups diligently work toward the goal of recognition through the Office of Federal Acknowledgement. This would be unfair to those groups.

Also, it is unfair to existing federally recognized tribes, such as the Eastern Band of Cherokee Indians, who do not want to see its cultural identity undermined by legislation such as this.

Federal recognition matters get caught up in emotion and, let's face it, politics. We should take the politics out of federal recognition and allow the Office of Federal Acknowledgement to do its job.

Thank you.